

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CRIM. NO. 2:05cr137-F
)
GEORGE DAVID SALUM III)

**GOVERNMENT’S CONSOLIDATED RESPONSE TO DEFENDANT’S
MOTIONS FOR DISCOVERY AND INSPECTION; TO
COMPEL RETENTION OF GOVERNMENT AGENTS’ NOTES;
AND FOR PRETRIAL CONFERENCE**

COMES NOW the United States of America, by and through its attorneys, Gregory R. Miller, United States Attorney for the Northern District of Florida, and the undersigned Assistant United States Attorney, and files this consolidated response to Defendant’s Motion for Discovery and Inspection (Doc. 17) and Defendant’s Motion to Compel Retention of Governmental Agents’ Notes (Doc. 15), and Defendant’s Motion for Pretrial Conference (Doc. 16).

1.

This Court’s Standing Order on Criminal Discovery (Cr. Misc. #534) specifically directs:

No attorney shall file a discovery motion without first conferring with opposing counsel, and no motion will be considered by the court unless it is accompanied by a certification of such conference and a statement of the moving party’s good faith efforts to resolve the subject matter of the motion by agreement with opposing counsel. No discovery motions shall be filed for information or material within the scope of this Rule unless it is a motion to compel, a motion for protective order or a motion for an order modifying discovery. See Fed.R.Crim.P. 16(d). Discovery requests made pursuant to Fed.R. Crim.P. 16 and this Order require no action on the part of this court and shall not be filed with the court, unless the party making the request desires to preserve the discovery matter for appeal.

Id., “Motions for Discovery” at p. 4. The defendant’s motion violates the Court’s Standing

Order, and should not be considered.¹

2.

The same Standing Order specifically directs: “The government shall advise all government agents and officers involved in the case to preserve all rough notes.” Cr. Misc. #534, para. (2)(B) at p. 3. The United States has complied with that court-ordered obligation of the government. The defendant’s motion is moot.

3.

At arraignment this date, United States Magistrate Judge Delores R. Boyd specially set the pretrial conference for July 14, 2005. The defendant’s motion is moot.

RESPECTFULLY SUBMITTED this 3rd day of June, 2005.

GREGORY R. MILLER
United States Attorney
Northern District of Florida

/s/ Dixie A. Morrow
DIXIE A. MORROW
Assistant United States Attorney
Florida Bar No. 0354589
Georgia Bar No. 525543
Texas Bar No. 24034796
Northern District of Florida
21 E. Garden Street, Suite 400
Pensacola, Florida 32502

¹The undersigned Assistant United States Attorney and Counsel for Defendant participated in a discovery conference on June 2, 2005, the day preceding arraignment, contemporaneous with hand-delivery of the service copy of Defendant’s Motion for Discovery and Inspection. The United States provided Counsel for Defendant with 12 sets of documents, and noticed him of 6 sets of documents available for inspection at the local Federal Bureau of Investigation. The United States thereby complied with this Court’s requirement of initial disclosures by the government “at arraignment, or on a date otherwise set by the court for good cause shown.” Cr. Misc. #534, para. (1) at p. 1.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing GOVERNMENT'S CONSOLIDATED RESPONSE TO DEFENDANT'S MOTIONS FOR DISCOVERY AND INSPECTION; TO COMPEL RETENTION OF GOVERNMENT AGENTS' NOTES' and FOR PRETRIAL CONFERENCE upon the defendant by electronic filing with and noticing by the Clerk of Court, and by mailing an additional courtesy copy of same to the defendant's counsel of record: Julian L. McPhillips, Jr., McPHILLIPS SHINBAUM LLP, Post Office Box 64, Montgomery, Alabama 36101.

THIS 3rd day of June, 2005.

GREGORY R. MILLER
United States Attorney
Northern District of Florida

/s/ Dixie A. Morrow
DIXIE A. MORROW
Assistant United States Attorney
Florida Bar No. 0354589
Georgia Bar No. 525543
Texas Bar No. 24034796
Northern District of Florida
21 E. Garden Street, Suite 400
Pensacola, Florida 32502